

and grape types) "Food Color and fruit acid added." All were labeled further: "Everbest Products Co. N. Y."

The articles were alleged to be adulterated in that mixtures of acid solutions, gums, artificial color, and artificial or citrus-oil flavor containing little or no fruit juices, had been substituted for the true fruit flavors which they purported to be; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "True Fruit * * * Orange [or "Lemon" or "Pineapple"]" and "Pure Fruit Raspberry [or "Strawberry," "Lime," "Cherry," or "Grape"] Flavored Syrup," were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of acid solutions, gums, artificial color, and artificial or citrus-oil flavors containing little or no fruit juices; and in that they were offered for sale under the distinctive names of other articles.

On September 28, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27873. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40184. Sample No. 20962-C.)

This product contained less than 80 percent of milk fat.

On August 9, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 50 cases of butter at Providence, R. I., consigned about July 31, 1937, alleging that it had been shipped in interstate commerce by the Bridgeman-Russell Co. from Duluth, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Creamery Butter Packed Expressly for the Red & White Stores, New Bedford, Massachusetts."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat and which it purported to be.

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, butter.

On August 19, 1937, Cooper & Sisson, Providence, R. I., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27874. Adulteration of butter. U. S. v. 200 Tubs and 300 Cartons of Butter. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 40186, 40235. Sample Nos. 34070-C, 34071-C.)

This product contained less than 80 percent of milk fat.

On or about August 11, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 tubs and 300 cartons of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about July 22, and in part on or about July 24, 1937, by Spring Valley Butter, Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On September 10, 1937, the cases having been consolidated, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27875. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40187. Sample No. 38274-C.)

This product contained less than 80 percent of milk fat.

On August 14, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Fauquier Creamery from Marshall, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 18, 1937, Fauquier Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*